



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

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**Testimony of the Deborah J. Fuller**

**Human Services Committee Public Hearing  
February 10, 2009**

**Proposed Bill 5980, An Act Concerning Verification of Information by the  
Department of Children and Families in Child Abuse and Neglect Cases**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch on Proposed Bill 5980, *AAC Verification of Information by the Department of Children and Families in Child Abuse and Neglect Cases*. We have serious concerns with this proposal.

Although the title of the proposed bills refer only to the Department of Children and Families (DCF) and child abuse and neglect cases, the body of the proposal sets out procedures that must be followed by juvenile probation officers handling Families with Service Needs (FWSN) cases.

As the committee may be aware, the procedures for FWSN cases were substantially changed in 2007 at the recommendation of the Families with Service Needs Advisory Board (P.A. 07-4 of the June Special Session; P.A. 08-86, making refining and technical amendments). These changes have been implemented by the Judicial Branch and are embodied in the policies and procedures currently followed by juvenile probation officers when handling FWSN cases

Subdivision (2) of the bill would require a probation officer who has been referred a complaint of a family with service needs to promptly obtain documentation to determine whether or not the allegations in the complaint are true, accurate and sufficient to constitute a family with service needs case. It is unclear what type of documentation is contemplated. However, under current procedure, a probation supervisor reviews all FWSN complaints to ensure that, among other things, the allegations are sufficient and serious enough to warrant some form of court intervention and that the allegations reported are that of a pattern of behavior and not just a one-time incident. This provides sufficient protection against unfounded complaints.

Subdivision (3) would require that a probation officer who has been referred such a complaint and has verified the truth of the allegation to promptly refer the child and the child's family to a suitable community based program, other service provider or family support center for voluntary services. It is unclear how a probation officer could verify the truth of all allegations. The policies and procedures that have been put in place to carry out the mandates of the new FWSN statutes require that probation officers refer the family to community services and family support centers. In addition, juvenile probation officers seek to reach a service agreement with the child and the family when treatment needs have been identified, including referrals to either community or court-based services.

Subdivision (5) would require that, if it is determined that the child and the child's family who are referred to voluntary services can no longer benefit from such services, the probation officer must file a petition with the court or withdraw the complaint. Under currently policy, the officers must hold a Case Review Team meeting and discuss with their Supervisor what should happen next. It does not mandate the filing of petition when the child drops out of community services, but it is an option. Current policy directs the officer to close the case if they are not going to file a petition or re-refer a child to services.

The requirements of subdivision (6) are already followed. Subdivision (7) would required that all documents necessary to verify the fact alleged in the petition be attached. While they are not currently attached, the information is readily available to the defense attorney and the parties.

Finally, the last sentence of the proposal stating that *any person who fails to verify facts alleged in a complaint or petition concerning child abuse, child neglect or a family with service needs is subject to a fine of no more than \$2000.000 or imprisoned not more than one year or both and shall not receive immunity* seems unduly harsh and imposes a level of personal responsibility for actions that juvenile probation officers and their supervisors take in the performance of their duties far beyond that of any other public employee. We would urge the Committee not to pursue such harsh penalty against employees.

In summary, the Judicial Branch opposes these provisions of the bill.